

CITY OF GROVE

EMPLOYEE

SUBSTANCE ABUSE POLICY

I. POLICY:

This policy is to ensure the establishment of an Alcohol and Drug-free Workplace and to follow federal procedures outline in 49 CFR, Parts 40 and 382, and the standards for workplace drug and alcohol testing act, Oklahoma Statutes Title 40, Section 551, et. seq.

- A. The provisions of this policy shall apply to all employees of the City and applicants for positions with the City.
- B. The City of Grove shall apply this policy in a manner consistent with State and Federal laws.

II. PURPOSE

- A. Approach drug and alcohol dependencies as medical and behavioral problems that must be treated.
- B. Set consistent guidelines for handling substance abuse cases.
- C. The City of Grove has the power and authority to take disciplinary action in accordance with the provisions of this policy.

III. STATEMENT OF INTENT

In addition to the provisions stated in the Substance Abuse Policy of the City of Grove, and in accordance with the requirement placed on the City by the provisions of the Drug-Free Workplace Act of 1988 all employees are hereby notified as follows:

- A. The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited on, about or within any property which is owned, leased, operated, used, maintained or occupied by the City of Grove, Oklahoma.
- B. Employees who violate this policy will be subject to disciplinary action up to and including termination or mandatory referral for substance abuse assessment counseling or mandatory referral or rehabilitation in accordance with the provisions of this policy.

C. Zero tolerance is enforced for violation of the Substance Abuse Policy.

IV. DRUG-FREE WORKPLACE

The City of Grove shall provide a drug and alcohol free working environment to enhance the ability of city employees to provide, safe, productive and efficient services to the community.

The City of Grove will provide Drug-Free Awareness information to all employees including:

- A. Inform employees of dangers of drug abuse in workplace.
- B. Inform employees of the City's policy of maintaining a drug free workplace.
- C. Provide available sources for drug counseling, rehabilitation and employee assistance for substance abuse problems.
- D. Knowledge of penalties, which may be imposed, on employees who commit drug abuse violations in the workplace.
- E. Every employee shall be provided a copy of the Substance Abuse Policy.
- F. Employees as a condition of employment shall:
 - a. Abide by the terms of the Substance Abuse Policy.
 - b. Consent to random testing for alcohol and drugs per standards of this policy.
 - c. Notify immediate supervisor of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction.
 - d. The City will notify the Federal Agency through which a grant is administered within ten (10) days after receiving notice from an employee or otherwise receiving actual notice of such conviction. Within thirty (30) days of receiving notice with respect to any employee who is so convicted.
 - i. Impose appropriate personnel action against such an employee, up to and including termination.
 - ii. Require such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State or local health agency or other appropriate agency.

- G. The City of Grove, Oklahoma, will make a good faith effort to continue to maintain a drug-free workplace through implementation of the provisions of the Substance Abuse Policy of the City of Grove, Oklahoma.
- V. DEFINITIONS:
- A. Alcohol: Means any liquid or substance that has an alcoholic content.
 - B. Applicant: Means a person who has applied for a position with the City of Grove.
 - C. Alcohol Test: Shall refer to testing of a sample of breath and/or blood to determine the percentage by weight of alcohol in the blood of the test subject.
 - D. Confirmation Test: means a drug or alcohol test on a sample to substantiate the results of a prior drug or alcohol test on the same sample and which uses different chemical principles and is of equal or greater accuracy than the prior drug or alcohol test. Where a breathalyzer test is utilized, a confirmation test means a second sample test that confirms the prior result. Where a single-use test is utilized, a confirmation test means a second test confirmed by a testing facility. *(Amended per Council action 08/21/2012, Resolution No. 12-022)*
 - E. Controlled Substance: means a controlled substance including prescription drugs, unless specifically excluded.
 - F. Conviction: means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes.
 - G. Drug: Means any substance other than alcohol capable of altering the mood, perception, pain level or judgment of the individual consuming it.
 - H. Drug Paraphernalia: Means all equipment, products and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise inducing into the human body a controlled substance or an imitation controlled substance.

- I. Drug, Prescribed: Means any substance prescribed for the individual by a licensed medical practitioner.
- J. Drug Test: Shall refer to testing of a sample of urine and/or blood to determine any traces of drugs in the blood or urine of the test subject.
- K. Employees: Means a person hired in a position in City Services and is under direct or administrative supervision of the City Manager for which he is compensated by the City of Grove on a full time or part time basis. Refers to both male and female employees, the use of the pronouns on he or his in this policy shall in all instances be read to refer to both male and female employees.
- L. Equipment Handling Position: Shall include all positions in which the employee is regularly required as a part of his duties to operate motorized heavy equipment including but not limited to dump trucks, tractors, bulldozers, earth scrapers, road graders, backhoes, street sweepers or any other type of heavy duty self-propelled equipment excluding automobiles and pickups.
- M. Illegal Drug: Means any drug or controlled substance including, but not limited to, substances controlled or prohibited by Federal or State law, the sale or possession of which is illegal.
- N. Intoxicates: Shall include any beverage or substance containing alcohol for human consumption.
- O. Positive Drug Screen: Means positive identification of a drug or metabolic which has been confirmed with sophisticated scientific laboratory tests.
- P. Public Safety Position: Shall include all positions falling within the following categories – law enforcement, communications, fire fighting personnel.
- Q. Random Selection basis: Means a mechanism for selecting employees for drug or alcohol testing that:
 - a. Results in equal probability that any employee from a group of employees subject to the selection mechanism will be selected, and
 - b. Does not give an employer discretion to waive the selection of any employee selected under the mechanism.

R. Reasonable Suspicion: Shall refer to a suspicion based upon objective facts and circumstances for which an ordinarily careful and prudent supervisor would conclude that an individual is in possession of or under the influence of drugs and/or alcohol while on City property or on duty. Circumstances which might constitute a basis for determining reasonable suspicion include, but are not limited to:

- a. Pattern of abnormal or erratic behavior.
- b. Information provided by a reliable or credible source.
- c. Direct observation of drug or alcohol possession.
- d. Presence of physical symptoms of drug or alcohol use.
- e. An admission of possession or use of drugs or alcohol by the employee.

S. Safety Sensitive Position: Employees who "discharge duties fraught with risks of injury to others that even a momentary lapse of attention can have disastrous consequences." Municipal jobs which have been found by the courts to be "safety sensitive" include firefighters; emergency medical technicians; law enforcement officers who carry firearms or who are directly involved in the interdiction of illegal drugs; bus drivers and some (but not all) other transportation workers; gas meter repairmen; and correctional officers. Shall include an employee or contractor who performs work on a natural gas pipeline or an operation, maintenance or emergency-response function regulated by the U.S. Department of Transportation.

T. Testing: An initial screening test followed by a confirmatory test in the event the results of an initial screening test are positive.

U. Workplace: means any and all properties owned or leased by the City of Grove and Grove Municipal Services Authority, including building, land and vehicles.

VI. RESPONSIBILITY OF EMPLOYEES

A. Each employee or applicant for employment is responsible for reading, understanding and abiding by the provisions of this policy.

B. Each employee or applicant for employment is responsible to direct questions about this policy to his immediate supervisor or the Human Resource Director.

- C. An employee with a substance abuse problem is personally responsible for seeking evaluation and undertaking rehabilitation.
- D. The City will encourage any employee with a substance abuse problem to seek assistance through an approved medical facility.
- E. The program for substance abuse will be managed and administered to provide confidentiality. (Separate files)
- F. Any employee who knows he has an alcohol or drug dependency problem and voluntarily admits this dependency to his Supervisor or the Human Resource Director or voluntarily seeks treatment shall not be subject to discipline for having admitted such problem nor for seeking treatment.
- G. A person with a substance abuse problem and conceals such from his Supervisor and/or does not seek help, places his employment with the City in jeopardy.
- H. In the event a concealed substance abuse problem adversely affects job performance, causes or contributes to misconduct on or off duty or causes an employee to become involved in criminal activities or proceedings, the employee will be subject to formal discipline as prescribed in this policy.
- I. Employees who are ordered by supervisory personnel to seek treatment for substance abuse problems shall be subject to formal discipline set-forth in this policy for refusal or such treatment.
- J. As a condition of employment, it is the responsibility of every employee to adhere to the requirements and provisions of this policy and to notify his/her supervisor in writing of his/her conviction for a violation of a criminal drug statute occurring no later than five (5) calendar days after such conviction.
- K. Employees may not use alcohol or drugs within four hours prior to reporting to work or being called to duty to respond to an emergency or on-call situation. If it is determined the employee has consumed alcohol or drugs within this time frame, the employee will not be permitted to perform or continue to perform duties.
- L. Employees may volunteer as participants in a drug and alcohol random testing program. These volunteer participants may not be counted toward the random testing totals referenced in Section VIII A.b. Volunteers must

contact the Human Resource Director in writing requesting voluntary program participation. Under no circumstance shall anyone be coerced or otherwise influenced to volunteer. The names of the volunteers shall be submitted by the Human Resource Director directly to the testing laboratory service, which shall select participants on a random basis in the same percentage as that established in Section VIII A.b. Positive test results shall be handled in the same manner as mandatory participant test results.

VII. RESPONSIBILITY OF THE CITY OF GROVE

A. Grounds for disciplinary action or denial of employment:

- a. Reporting to work, performing work or applying for work while under the influence of illegal drugs, prescription drugs or intoxicants.
- b. Causes or creating an unreasonable risk of damage to property or injury to any person.
- c. Using, selling, possessing, manufacturing or delivering controlled substance or drug paraphernalia at any time or place except as authorized by law, whether on or off duty.
- d. Consuming intoxicant while on duty, or possessing intoxicants on City property with the intent to consume them while on duty.
- e. Providing or selling intoxicants to any person while on duty.
- f. Testing positive for the presence of drugs and/or alcohol following completion of testing procedures.
- g. Failing or refusing to submit a test sample within two hours after the time a request for a test same was made, causing or attempting to cause the adulteration of a test sample, submitting or attempting to submit a false test sample or otherwise obstructing the process of testing the presence of drugs or alcohol.

B. Termination Specifically Authorized:

- a. Employee has sold or attempted to sell controlled substances, whether on or off duty.
- b. Employee has possessed or manufactured a controlled substance under circumstances that create a reasonable inference that the employee intended to sell the controlled substance, whether on or off duty.
- c. Employee has used or be found to be in unauthorized possession of illegal drugs while on duty.
- d. Employee has been found to be on duty while under the influence of illegal drugs, prescription drugs, or intoxicants and has caused,

or created an unreasonable risk of damage to property or injury to any person.

- e. Employee has failed or refused to submit a test sample within two hours after the time a request for a test sample was made.
- f. Employee has caused or attempted to cause an alteration to a test sample.
- g. Employee has submitted or attempted to submit a false test sample following a request for submission of a test sample.
- h. Employee has been ordered by the Supervisor or Personnel Director to seek treatment for substance abuse problem through a treatment facility and has refused treatment.

C. Disciplinary action:

- a. No disciplinary action, except for temporary suspension or a temporary transfer to another position, may be taken against an employee based on a positive test result unless the test result has been confirmed by a second test using gas chromatography, gas chromatography-mass spectroscopy, or an equivalent scientifically accepted method of equal or great accuracy.
- b. Shall be independent of all other proceedings. Disciplinary action may be undertaken pursuant to this policy and shall constitute an independent administrative action against the employee and shall not be depended upon or controlled in any manner by other civil, administrative or criminal proceedings, which are or may be instituted against the employee.
- c. An employee discharged on the basis of a refusal to undergo drug or alcohol testing or a confirmed positive drug or alcohol test conducted in accordance with this policy shall be considered to have been discharged for misconduct for the purposes of unemployment compensation benefits.

VIII. TESTING FOR A PRESENCE OF SUBSTANCE ABUSE

A copy of this policy shall be provided to each employee and applicant for employment, who shall sign and date the attached receipt of Substance Abuse Policy and Consent to Drug and Alcohol Testing form. This form shall be competent evidence in any subsequent proceedings that the applicant has received notice of the provisions of this policy and has consented to testing under the provisions stated herein. A refusal by any applicant to execute this form shall constitute grounds for denial of employment.

A. Types of Testing:

- a. Pre-Employment – All persons accepting a conditional offer of employment with the City of Grove must take a pre-employment drug test. Positive test results will prohibit the hiring of an individual and the promotion or transfer of a current employee.
EXCEPTION: Seasonal and Temporary employees shall not be required to take a pre-employment drug test.

The official making the conditional offer of employment will arrange for drug testing for the candidate.

(Amended per Council Action 04/01/2014)

- b. Random Testing - The following employees are required to undergo drug or alcohol testing on a random selection basis:
 - 1. Police or peace officers;
 - 2. Have drug interdiction responsibilities;
 - 3. Are authorized to carry firearms;
 - 4. Are engaged in activities which directly affect the safety of others;
 - 5. Work in direct contact with inmates in the custody of the City of Grove or work in direct contact with juvenile delinquents or children in need of supervision.

An employee who has been ordered to seek treatment for a substance abuse problem shall be subject to random testing for the presence of drugs or alcohol during a twelve (12) month period following the date of the notice of referral.

- c. Reasonable Suspicion – All employees are subject to reasonable suspicion testing. Reasonable suspicion means a belief that an employee is using or has used drugs or alcohol in violation of the employer's written policy drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience and may be based upon, among other things"

Observable phenomena, such as:

- i. the physical symptoms or manifestations of being under the influence or a drug or alcohol while at work, or
- ii. the direct observation of drug or alcohol use while at work or on duty

- iii. Report of drug or alcohol use while at work or on duty, provided by reliable and credible sources and which has been independently corroborated:

Evidence that:

- i. an individual has tampered with a drug or alcohol test during his employment with the City of Grove, or;
- ii. an employee is involved in the use, possession, sale, solicitation or transfer of drugs while on duty or while on the City of Grove premises or operating a City of Grove or Grove Municipal Services Authority vehicle, machinery or equipment;
- iii. An employee has negative performance patterns, or;
- iv. An employee has excessive or unexplained absenteeism.

(Amended by Council 11/1/2011, Resolution No. 11-042)

Reasons for submitting an employee to this type of testing must be documented by the immediate supervisor or the supervisor in charge who has received training to recognize alcohol and drug abuse. All supervisors are required to receive the training. The training documentation will be maintained by the Human Resource Director. Each reporting supervisor must have completed one hour of training on alcohol misuse and one hour of training on drug misuse prior to certifying an employee for reasonable suspicion testing. A reasonable suspicion form must be completed and signed off by the reporting supervisor. Following completion of the reasonable suspicion form, the time constraints for testing will conform to those under "Post Accident Testing", paragraph VIII.A.d below. Testing shall be authorized by the City Manager and will be arranged through the Human Resource Director. Following, testing, the reasonable suspicion form will be forwarded to the Human Resource Director and filed according to Section X, Confidentiality.

d. Post-Accident Testing – All employees are required to undergo post-accident drug and alcohol testing if the employee or another person has sustained a work-related injury or that property has been damaged while at work, including damage to equipment.

(Amended per Council Action 04/01/2014)

Any City of Grove employee involved in a vehicular accident in a City of Grove vehicle will be tested under the circumstances indicated in the following table.

Post Accident Testing		
Type of Accident Involved	Citation Issued to Driver	Tests Must Be Performed
Human Fatality	Yes No	Yes Yes
Bodily Injury with Immediate Medical Treatment Away From the Scene	Yes No	Yes Yes
Disabling Damage to Any Motor Vehicle Requiring Tow Away	Yes No	Yes Yes

If the employee has not submitted to an alcohol test within 2 hours of the accident, the supervisor must prepare a record stating the reason a test was not given. If the employee has not submitted to an alcohol test within 8 hours, the supervisor must cease attempts to have the alcohol test administered and prepare a record stating the reasons a test was not given.

If the employee has not submitted to a drug test within 32 hours, the supervisor must cease attempts to have the drug test administered, and prepare a record state the reasons a test was not given.

If the employee tests positive, the Progressive Discipline table in Section XII will be implemented at a minimum. Depending on the accident, more stringent discipline can be implemented.

- e. Return-to-Duty and Follow-Up-Testing - Employees shall undergo a return-to-duty drug or alcohol test after engaging in prohibited conduct regarding drug or alcohol misuse. Before an employee returns to duty, he/she shall undergo a return-to-duty alcohol test with a result indicating a breath alcohol level of less than 0.02 if the conduct involved alcohol, or a controlled substance test with a verified negative result if the conduct involved controlled substance use. Employees will be assigned duties in the department, not requiring the performance of a safety-sensitive function, and will not be allowed to operate a motor vehicle until such time as the results of the return-to-duty test are received. Employees will not pay for the return-to-duty test.

- f. All applicants for Public Safety, Equipment Operators, and Safety-Sensitive positions shall be subject to mandatory testing for the presence of drugs and alcohol in accordance with the test procedures herein set out.
 - i. City employees who apply for such positions and who have successfully completed testing as a condition of employment with the City may not be subject to re-testing.
 - ii. Applicants subject to mandatory testing who are conditionally appointed to a Public Safety Officer, Equipment Operator or Safety-Sensitive position shall be required to undergo testing within fourteen (14) days following conditional appointment to the position, and in no case shall the employee report to work until results of testing have been provided to the Human Resources Director.
 - iii. Mandatory testing shall not apply to the promotion or transfer of a Public Safety, Equipment Operator or Safety-Sensitive position within his own department.

IX. SUBSTANCES TO BE TESTED FOR

- A. Testing may be administered to detect the presence and concentration of any substance, which acts on the central nervous system as a stimulant, a depressant, or has a dissociative effect.
- B. Substances and concentration levels tested for will include, but are not limited to:
 - (1) Alcohol
 - (2) Marijuana
 - (3) Cocaine
 - (4) Amphetamines
 - (5) Opiates
 - (6) Phencyclidine (PCP)
 - (7) Barbiturates
 - (8) Codeine
 - (9) Diet Pills
 - (10) Hallucinoques
 - (11) LSD
 - (12) Steroids
 - (13) Tranquilizers

- C. State of Oklahoma and D.O.T. recommended cut-off levels: Tested to the concentration levels for which testing is customarily accurate, as stated in the manufacturer specifications for the particular test method to be used.
- X. TESTING PROCEDURE
 - A. Drug and alcohol testing shall be performed by an independent certified laboratory of the City's choice.
 - B. Testing is a two-stage process. First a screening test is performed. If it is positive for one or more of the drugs listed in Section IX, then a confirmation test is performed using gas chromatography/mass spectrometry (GS/MS) analysis. Positive results must be reviewed by a Medical Review Officer (MRO).

The MRO shall personally contact each employee having a positive drug test result to determine if there is a medical reason for a positive test result. The MRO shall provide the final report to the Human Resource Director. Split-specimens will be collected at the test site. In the event of a positive test result on the first specimen, the employee may request in writing to the Human Resource Director, within 72 hours of receiving written notice of a positive result, that a test be conducted on the second specimen. The employee must pay in advance for the second specimen testing. If the test results on the second specimen are negative, the employee will be reimbursed by the City of Grove.

- C. Testing for alcohol will be performed using breathalyzers as specified in federal regulations. If an employee is not physically capable of performing a breathalyzer test, documents from a medical doctor must be submitted verifying existence of medical explanation of the inability of a tested employee to provide adequate breath for alcohol testing.
- D. Testing results shall identify the substance or substances found and specify the concentration level.
- E. The testing agency shall respect the dignity and privacy of individuals required to give test samples.
- F. The testing agency shall be responsible for maintaining appropriate chain of custody procedures for all test samples.

XI. CONFIDENTIALITY OF TESTING INFORMATION

- A. All information regarding the testing of applicants and employee's shall be kept in a separate confidential medical folder securely kept under the control of the Human Resource Director.
- B. Laboratory reports and test results shall not be placed in an employee's general personnel file, but kept in a separate confidential medical folder securely kept under the control of the Human Resource Director.
- C. Records of all drug and alcohol test results and related information maintained by the City of Grove shall be the property of the City of Grove, and upon the request of the applicant or employee tested, shall be made available for inspection and copying for the applicant or employee. Except as provided in subsection – D of this section, an employer shall not release such records to any person other than the applicant, employed or the review officer. *(Amended per Council action 08/21/2012, Resolution 12-022).*
- D. Disclosure without employee consent is authorized if:
 - a. Production of the information is compelled by law or by judicial or administrative process.
 - b. The information has been placed at issue in a formal dispute between the City and the employee.
 - c. The information is needed by administering an employee benefit plan.
 - d. The information is needed by medical personnel for the diagnosis or treatment of the employee and he is unable to authorize disclosure.
- E. All information regarding voluntary and mandatory referrals shall be confidential.

XII. ACTION WHEN POSITIVE TESTS ARE INDICATED

- A. Job applicants will be denied employment based on an initial positive test result.
- B. An employee whose initial positive test result has been confirmed by the GC/MS test is subject to disciplinary action up to and including termination in accordance with this policy.
- C. Alcohol concentrations of .02 to .039 will necessitate removal of the employee from safety sensitive functions and operating a motor vehicle for a minimum of 24 hours.

- D. Progressive Discipline – The following tables indicate minimum required levels of discipline and action taken on positive test results. Part of the documentation required in the disciplining process is the completion of the EAP referral form.

PROGRESSIVE DISCIPLINE	
ALCOHOL	
ALCOHOL LEVEL	.04 AND HIGHER
1 st Offense	15 Day Suspension without Pay
2 nd Offense	30 Day Suspension without Pay
3 rd Offense	Termination
PROGRESSIVE DISCIPLINE	
DRUGS	
1 ST Offense	30 Day Suspension without Pay
2 nd Offense	Termination

- E. Positive tests will be considered a second or subsequent offense only if occurring within three (3) years of the date of the prior positive test.
- F. Refusals shall be treated the same as positive test results and appropriate discipline shall be applied progressively with each refusal. Employees refusing to take a drug or alcohol test will be subject to return-to-duty and follow-up testing as previously described.
- G. An adulterated test specimen as determined by the testing laboratory shall be deemed a positive test.
- H. Suspension with Pay
Upon notice of a positive drug or alcohol test the employee shall be given written notice of disciplinary action. The employee shall be placed on Suspension With Pay from the time of notification of positive test results until the time of the pre-disciplinary hearing.
- I. Factors to be considered in determining appropriate disciplinary response shall include, yet is not limited to:
- Employees work history.
 - Current level of performance.
 - Past disciplinary actions imposed.
 - Specific circumstances causing testing to be required.
 - Consideration if employee's action caused injury to property or person or created an unreasonable risk to property or person.

- f. Previous efforts on the part of employee to deal with his substance abuse problem.
- g. The degree to which continued employment of the individual would either enhance or impair the ability to the affected City department to deliver safe and efficient service to the community.
- h. Public trust.

XIII. ASSISTANCE PROGRAM

- A. It is mandated that all employees with positive test results will be automatically referred by the Human Resource Director to a Substance Abuse Professional (SAP) for evaluation.
- B. These employees are required to be evaluated by a SAP who shall determine what assistance the employee needs in resolving problems associated with alcohol misuse and controlled substance abuse. These employees cannot return to work, perform safety sensitive functions or operate a motor vehicle until they have been evaluated by a SAP and have successfully complied with SAP recommendations.
- C. In addition, each affected employee identified as needing assistance in resolving problems associated with alcohol or controlled substances shall be evaluated by a SAP to determine that the employee has followed the rehabilitation program prescribed.
- D. Failure to successfully comply with the SAP's recommendations for alcohol or substance abuse problem within one (1) year of formal written notice for assessment or referral will result in more stringent disciplinary action up to and including termination.
- E. The City Manager is authorized to suspend formal discipline for a period not to exceed one (1) year, pending the successful completion of assessment, counseling, and rehabilitation by the employee.
- F. Compliance with SAP recommendation may serve as alternative to or in conjunction with disciplinary proceedings.
- G. Functions of Assistance Program:
 - a. Will function primarily as an intake and referral service for those employees who have voluntarily sought assistance or have been directed to such assistance through the program.

- b. The Human Resource Director will compile and maintain all information and records necessary to the task of referring employees to substance abuse treatment service programs and institutes in the community.
- c. The Human Resource Director shall monitor progress of person seeking treatment to document and verify administration of health care or other benefit plans, including leave time.

H. Use of Leave during Substance Abuse Treatment

- a. Employees receiving treatment for substance abuse are entitled to use all forms of accumulated time available (sick/vacation leave).
- b. If any employee exhausts all available leave time, employee may request a leave of absence without pay in accordance with rules and regulations of the Personnel Manual. (Nothing stated in the program shall be constructed to require a leave of absence without pay be granted.) Granting of leave of absence without pay will be considered in accordance with circumstance of the case, manpower needs of the affected City department, medical needs of the employee, and degree of good faith, effort displayed.

XIV. RECORD RETENTION

- A. Upon written request by the tested employee, all records relating to a request for the results of drug or alcohol testing may be expunged from an employee's file and destroyed if the results of the test do not show a substance concentration level requiring action to be taken.
- B. If the employee tested files a written appeal with the Human Resource Direction, the records shall be preserved until all proceedings arise out of the appeal.

XV. APPEAL RIGHTS

- A. An employee who receives formal discipline for violations of the provisions of this policy including but not limited to dismissal, suspension without pay, demotion, reduction in pay is entitled to the appeal rights as set out in the Personnel Manual.

XVI. SUPPLEMENT TO THE CITY OF GROVE SUBSTANCE ABUSE POLICY

- A. The following shall be included as Supplements to the City of Grove Substance Abuse Policy:
 - a. DOT Pipeline Safety Alcohol Misuse Prevention Procedure
 - b. DOT Pipeline Safety Anti-Drug Program

- B. All Safety-Sensitive positions defined in Section V of this policy shall comply with the City of Grove Substance Abuse Policy and the Supplements included.
- C. The City of Grove Substance Abuse Policy shall prevail when a discrepancy occurs with any Supplements included.

Consent Agreement

I _____ received a copy of the City of Grove Substance Abuse Policy.

This Consent Agreement certifies that I received a copy of the City of Grove Substance Abuse Policy, adopted and approved by the Mayor and Council on the 2nd day of August, 2011, including all amendments to the policy.

By signing the consent form, I consent to testing under the provisions of the policy and the potential penalties for non-compliance.

Employee Signature

Date

